

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WALTER BECK CORPORATION d/b/a
THE RAINBOW INN,

Plaintiff,

Civil Action No. 04-348-Erie

Judge Maurice B. Cohill, Jr.

vs.

SAFECO CORPORATION, AMERICAN
ECONOMY INSURANCE COMPANY,
and AMERICAN STATES INSURANCE
COMPANY,

Defendant.

**MOTION TO ENLARGE THE TIME FOR DISCOVERY
AND AMEND THE CASE MANAGEMENT ORDER**

AND NOW COMES Defendants, Safeco Corporation, American Economy Insurances Company and American States Insurance Company, by counsel, and move to amend the Case Management Order to enlarge the time for discovery and to extend the current pretrial. In support thereof Defendants aver as follows:

1. This case involves a dispute regarding insurance coverage for Plaintiff's business, which was destroyed by fire.

2. On June 8, 2005, this Court entered a Case Management Order setting forth the pretrial deadlines.

3. On May 4, 2006, this Court upon joint motion by the Plaintiffs and the Defendants, this Court entered an Order, which extended the Discovery Deadline and Amend the Case Management Order. The Order set forth the following extended dates: discovery was to be complete on or before September 1, 2006; parties were to have filed motions on or before

October 6, 2006; responses to those motions were to be filed on or before October 27, 2006; if motions were not filed the plaintiff's pretrial narrative statements was to be filed November 3, 2006; and the case was to be called for trial Winter 2007.

4. Following these Orders the parties have engaged in written discovery.

5. As yet the parties have been unable to accomplish the depositions of representatives of the parties.

6. The representatives of the parties do not reside in Pennsylvania, which has created scheduling difficulties and the parties have been unable to find a mutually agreeable date prior to September 1, 2006.

7. Additional written discovery has proved necessary and on July 11, 2006, Defendants filed their Second Request for Production of Documents Directed to Plaintiff. July 31, 2006, Defendant filed their Third Combined Set of Interrogatories and Request for Production of Documents and Things Directed to Plaintiff.

8. Defendant has not received responses to either of these sets of discovery and they are expected to lead to additional discovery.

9. Additionally, Defendant has issued subpoenas for the purposes of third party discovery; those third parties are as yet unresponsive.

10. Plaintiff's counsel has been contacted regarding this motion and has no opposition.

11. Given the time previously needed to secure responses to written discovery it is anticipated that an extension of the current discovery and pretrial deadlines of approximately sixty days is needed in order for the completion of discovery in this matter

WHEREFORE, Defendants respectfully request that this Court enter an Order in the form attached hereto amending the Case Management Order.

Respectfully submitted,

ANSTANDIG, McDYER & YURCON, P.C.

s/Daniel P. McDyer
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